



Office of the Attorney General  
State of Texas

October 18, 1996

DAN MORALES  
ATTORNEY GENERAL

Mr. Gary W. Smith  
City Attorney  
City of Greenville  
P.O. Box 1049  
Greenville, Texas 75403-1049

OR96-1884

Dear Mr. Smith:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101205.

The City of Greenville (the "city"), through its police department, received a request for all information on the requestor from 1990 to present in which the requestor is a suspect or complainant. You claim that some of the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You claim that section 552.101 excepts from disclosure criminal history report information ("CHRI"). Section 552.101 excepts from disclosure "information deemed confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Federal regulations prohibit the release of CHRI maintained in state and local CHRI systems to the general public. *See* 28 C.F.R. § 20.21(c)(1) ("Use of criminal history record information disseminated to noncriminal justice agencies shall be limited to the purpose for which it was given."), (2) ("No agency or individual shall confirm the existence or nonexistence of criminal history record information to any person or agency that would not be eligible to receive the information itself."). Section 411.083 provides that any CHRI maintained by the Department of Public Safety ("DPS") is confidential. Gov't Code § 411.083(a). Similarly, CHRI obtained from the DPS pursuant to statute is also confidential and may only be disclosed in very limited instances. *Id.* § 411.084; *see also id.* § 411.087 (restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies). Therefore, any CHRI must be withheld from the requestor.

You next claim that certain requested offense reports are excepted from disclosure because they involve juvenile suspects. Section 51.14(d) of the Family Code was repealed by the Seventy-fourth Legislature. Act of May 27, 1995, 74th Leg., R.S., 1995 Tex. Gen. Laws 2517, 2590. The Seventy-fourth Legislature replaced the provisions concerning

juvenile criminal records with section 58.007 of the Family Code. However, conduct that occurred prior to January 1, 1996, is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose. *Id.* As the conduct in the submitted offense reports which involve juveniles occurred before January 1, 1996, we must determine if section 51.14(d) of the Family Code excepts that information from required public disclosure.

Section 51.14(d) provides, in pertinent part:

Except as provided by Article 15.27, Code of Criminal Procedure, and except for files and records relating to a charge for which a child is transferred under Section 54.02 of this code to a criminal court for prosecution, the law-enforcement files and records [concerning a child] are not open to public inspection nor may their contents be disclosed to the public . . . .

We have examined the information submitted to us for review. It appears that the records do not involve a charge for which the juvenile was transferred under section 54.02 of the Family Code. It is not apparent that any of the provisions allowing inspection of the records apply to the requestor. Additionally, none of the exceptions to section 51.14(d) apply here. We conclude that the submitted documents that involve offenses allegedly committed by juveniles occurring before January 1, 1996, must be withheld under section 51.14(d) of the Family Code as applied through section 552.101 of the Government Code.

One of the submitted reports involves the requestor when he was no longer a juvenile. Therefore, section 51.14(d) does not apply to this report. As you have claimed no other exception to disclosure for this document, it must be released to the requestor. We have marked that report for your information.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/ch

Ref.: ID# 101205

Enclosures: Marked documents

cc: Mr. Richard E. Biggerstaff, Jr.  
Route 5, Box 112  
Greenville, Texas 75402  
(w/o enclosures)